

REMARKS

In the above-identified Office Action the examiner rejected claims 1-2 under 35 USC 102(b) as being anticipated by US Patent No. 5,094,998 to Hoshino, et al. ("Hoshino").

The amendment to claim 1 and new claim 3 find support in the Specification at page 2, lines 17-23.

Claims 1-2, as amended, are directed to a thermosensitive recording material including a support bearing thereon a first layer including multivoided particles, the particles having been formed by (i) a core-shell emulsion polymerization process, the core including a copolymerized ester functional group monomer, (ii) hydrolyzing the monomer subsequent to or during the formation of the shell, (iii) treating the core with base concurrently with or subsequently to the hydrolysis to swell the particles and (iv) forming multiple voids within the particle when dried, and, disposed on the first layer, a thermosensitive recording layer. New claim 3 is directed to a method for forming the thermosensitive recording material.

35 USC 102(b) REJECTION OF CLAIMS 1-2 OVER HOSHINO

The examiner rejected claims 1-2 over Hoshino. Hoshino discloses the formation of fine-particle aggregate emulsion polymers which may be used in a heat-insulating undercoating layer for thermal recording materials.

Hoshino's fine particle aggregates are disclosed to be in the form of particles having either a continuous phase of swollen carboxylic acid monomer-containing polymer "(a)" with "foreign polymer (b)" dispersed therein when the amount of polymer (a) is greater than that of polymer (b) (Hoshino, column 6, lines 17-21) or particles in which swollen carboxylic acid monomer-containing polymer "(a)" exists between the particles of polymer (b) when the amount of polymer (a) is greater than that of polymer (b) (Hoshino, column 6, lines 21-24). There is no disclosure of the incorporation or generation of

multiple voids or provision of an explanation by which voids might occur in Hoshino's particles.

Applicant further maintains that Hoshino's characterization of his fine particle aggregates as porous (Hoshino, column 8, lines 3-22) is flawed. Hoshino discloses particles each having two polymer phases, polymer (a) and polymer (b) which are disclosed, for those that work in his invention, to have different refractive indices and to be subject to phase separation (Hoshino, column 5, lines 21-36). Therefore, when Hoshino selects his carbon oil to match the refractive index of "the particle material", he must be matching the refractive index of one or the other of the two polymer phases or some average value which would tend to make one or both of the polymer phases visible, thereby not inescapably leading to his conclusion that his particles themselves are porous. Even if Hoshino's particles were "porous" there is no disclosure in Hoshino to teach or suggest that his particles are multivoided. Applicant urges that Hoshino has not disclosed multi-voided particles nor enabled one skilled in the art to make such particles.

Even if Hoshino were taken to disclose certain multivoided particles, which applicant traverses, Hoshino does not disclose the thermosensitive recording material of applicant's claims 1-2, as amended, or the method to form such a material of applicant's new claim 3, because applicant's first layer including multivoided particles formed by the particular process in which hydrolysis of a core polymer, fully or partially enclosed by a shell polymer, is effected, followed by swelling of the core to provide, on drying, multivoided particles is not disclosed in Hoshino. Applicant respectfully submits that his claims 1-2, as amended, and new claim 3 are not anticipated by Hoshino because Hoshino does not disclose each and every element of their invention as claimed.

Applicant respectfully requests the examiner to pass their claims 1-2, as amended, and new claim 3 to allowance at this time. Applicant's agent is available in order to expedite the allowance of this case at 215-641-7822 or by FAX at 215-641-7027.

Respectfully Submitted,

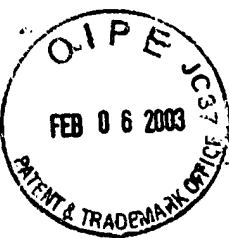
A handwritten signature in dark ink, appearing to read "Ronald D. Bakule", with a long horizontal flourish extending to the right.

Ronald D. Bakule

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Version with markings to show changes made

In the claims

Claim 1 has been amended as follows:

1(amended). A thermosensitive recording material comprising a support bearing thereon a first layer comprising multivoided particles, said particles having been formed by (i) a core-shell emulsion polymerization process, said core comprising a copolymerized ester functional group monomer, (ii) hydrolyzing said monomer subsequent to or during the formation of said shell, (iii) treating said core with base concurrently or subsequently to swell said particle and (iv) forming multiple voids within the particle when dried, and,

disposed on said first layer, a thermosensitive recording layer.